

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF
MASSACHUSETTS

UNITED STATES OF AMERICA

V.

CARLOS CABRAL,
AKA CARLOS MANUEL ESTEVES

DOCKET No. 04 CR 40012- FDS

**JOINT STATUS REPORT ON DEFENDANT'S MOTION FOR
REDUCTION OF SENTENCE PURSUANT TO TITLE 18 U.S.C. § 3582(c)(2)**

Pursuant to the directives of the Standing Procedural Order entered by this Court, the parties, after conferring with each other and with the Probation Department, provide the following status report regarding the defendant's motion to modify sentence, pursuant to 18 U.S.C. § 3582:

(a) DEFENDANT'S ELIGIBILITY FOR REDUCTION OF SENTENCE IN ACCORDANCE WITH 18 U.S.C. §3582:

The defendant is eligible for a reduction of sentence in accordance with 18 U.S.C. § 3582.

(b) REVISED GUIDELINE CALCULATION:

On July 1, 2005 Mr. Cabral was sentenced to 70 months incarceration.

This sentence was the result of the defendant's Total Offense Level 27, Criminal History Category I. The Guideline Sentencing Range was 70 to 87 months. (The defendant was originally charged with Conspiracy to Distribute Cocaine Base and Distribution of Cocaine Base with an alleged weight of more than 50 grams, subjecting him to a mandatory minimum sentence of 120 months. Because the defendant satisfied the criteria for the so-called Safety Valve, the mandatory minimum sentence did not apply, and his original Base Offense Level of 32 was reduced by five levels, two for the Safety Valve and three for Acceptance of Responsibility.)

Under 18 U.S.C. 3582, the defendant's revised Total Offense Level would be Level 25, Criminal History Category I, with a revised Guideline Sentencing Range of 57 to 71 months.

(c) RECOMMENDATION FOR SENTENCING:

The parties recommend that the defendant's sentence of imprisonment be revised to 57 months.

(d) WHETHER A HEARING IS NECESSARY AND WHETHER THE DEFENDANT SEEKS TO APPEAR IN PERSON OR VIA VIDEO CONFERENCE:

N/A.

(d) THE EARLIEST PROJECTED RELEASE DATE BASED ON THE LOW END OF THE REVISED GUIDELINE CALCULATION:

The parties believe that the earliest projected release date may be June 4, 2009.

(e) A BRIEFING SCHEDULE FOR ANY CONTESTED ISSUES, TAKING INTO THE ACCOUNT THE EARLIEST PROJECTED RELEASE DATE:

N/A

(f) WHETHER A TRANSCRIPT IS NEEDED:

No transcript is needed.

(g) A COPY OF ANY PLEA AGREEMENT:

N/A

Date: July 15, 2008

Respectfully submitted,
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